

REMARKS

Claims 1-3, 5-15 and 17-20 are pending. Claims 1 and 13 have been amended. Claims 19 and 20 have been newly added. No new matter has been presented.

Claims 13-15 and 17-18 were rejected under 35 USC 101 because the claimed invention is directed to non-statutory subject matter. Claim 13 has been amended to overcome this rejection. Support for the amendments to claim 13 can be found in the specification at pg. 5, lines 17-30. Applicants request that this rejection be withdrawn.

Claims 13-15 and 17-18 were rejected under 35 USC 103(a) as being unpatentable over Assay, U.S. Patent 5,903,882, in view of Sudia, U.S. Patent 6,209,091 and further in view of Green, U.S. Patent 6,449,598. This rejection is respectfully traversed.

The Examiner admits that Assay does not specifically disclose defining a proposed authorization service, but yet asserts that Assay does teach presenting a proposed authorization service to a policy management authority. Applicants are confused how Assay can teach presenting a proposed authorization service to a policy management authority if Assay never teaches defining the proposed authorization service. Assay can't approve something that is not yet defined.

According to the present specification, authorization services are defined as providing a mechanism by which a first customer may confirm the authority of an individual to act on behalf of a second customer (pg. 8, lines 1-3). An authorization service definition includes both a messaging specification for the service and a set of rules that govern its use (pg. 8, lines 25-27).

The Examiner asserts that the claim limitation "presenting the proposed authorization service to a policy management authority" is disclosed in Fig. 7 of Assay. Assay discloses that Fig. 7 depicts the issuance of certificates to a user. Assay discloses that the certificates may serve to identify the subscriber or to authorize certain transactions or types of transactions (col. 32, lines 13-15). The certificate authority issues these certificates. Assay never discloses, however, that a

proposed authorization service is presented to a policy management authority. Furthermore, this is certainly not shown in Fig. 7.

As stated above, the Examiner admits that Assay fails to teach “defining a proposed authorization service” but asserts that this feature is taught by Sudia (citing to col. 2, lines 25-29). Applicants respectfully disagree.

At the portion cited to by the Examiner, Sudia merely discloses that an object of the invention is to provide a digital signing system for certificates and other high value documents with improved security and flexibility. Applicants fail to see how this portion of Sudia relates in any way to defining a proposed authorization service. Although Sudia does discuss authorization in some form, it does not specifically disclose defining a proposed authorization service. Applicants request that the Examiner cite to the specific portion of Sudia which teaches defining a proposed authorization service or withdraw his reliance on this reference.

The Examiner also admits that Assay and Sudia fail to teach that “the proposed authorization service is developed by a participant and approved by the policy management authority before being offered to a customer.” However, the Examiner asserts that Green teaches this feature (citing col. 8, lines 8-23). Applicants respectfully disagree.

Green relates to a health care policy on-line maintenance dissemination and compliance testing system, which is completely unrelated to the teachings of Assay, Sudia, or the claimed invention for that matter. Furthermore, referring to the portion of Green cited by the Examiner, Green only discloses a test which includes a list of questions. When a user requests a test, a selection of questions is randomly chosen from the question list. A record is created for each question and stored in the database. The test is then submitted to the institution for approval. Applicants assume that the step of gaining approval of the designed test in Green is what the Examiner is considering as corresponding to the claimed feature of “the proposed authorization service is developed by a participant and approved by the policy management authority before being offered to a customer.” Requesting approval of a designed on-line test is not the same as

developing a proposed authorization service which is approved by a policy management authority. The teachings of Green are totally unrelated to the claimed features and Green does not disclose that which the Examiner asserts. Furthermore, the teaching of Green are so unrelated to the teachings of both Sudia and Green that one of ordinary skill in the art would certainly not look toward Green for any reason.

For at least the foregoing reasons, claim 13 is allowable. Claims 14, 15, 17 and 18 are allowable at least due to their respective dependencies. Applicants request that this rejection be withdrawn.

Although claims 1-12 have been allowed, Applicants have restored these claims to their original form, and respond to the rejection of these claims under 35 USC 103(a) as being unpatentable over Assay in view of Sudia. Claim 1 recites a root entity, a first participant, a second participant, a first customer and a second customer. The first and second participants and the first and second customers comprise a four-corner model. The root entity issues digital certificates to the first and second participants. The first participant issues a digital certificate to the first customer and the second participant issues a digital certificate to the second customer (see, for example, Fig. 1).

Assay, on the other hand, does not disclose a four-corner model. Rather, Assay discloses a certificate authority, a reliance server, a relying party and a subscriber. If one presumes that the certification authority corresponds to the claimed root entity, then Assay fails to disclose at least one of the participants. This is evidenced in Fig. 3, where the certification authority issues a primary certificate directly to the subscriber, not to a first or second participant. By the same token, if one presumes that the certification authority corresponds to one of the participants, Assay fails to disclose the root entity.

Similarly, Sudia fails to teach a four-corner model including a root entity, first and second participants and first and second customers. Thus, neither Sudia nor Assay, either alone or

in combination, teaches or suggests the features of claim 1. The remaining claims are allowable at least due to their respective dependencies.

Newly added claim 19 corresponds to original claim 4, which was canceled and incorporated into claim 1 in the previous response. Claim 19 reinstates claim 4, which the Examiner considers to be allowable. Claim 20 depends on claim 1 and is allowable at least due to its dependency.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 388022003200.

Dated: June 2, 2005

Respectfully submitted,

By 

Deborah S. Gladstein

Registration No.: 43,636

MORRISON & FOERSTER LLP

2000 Pennsylvania Ave., N.W.

Washington, DC 20006

(202) 778-1646